

REMARKS

Reconsideration and allowance are respectfully requested.

Claims 24-37 are pending. Non-elected claims 1-4, 6-8, 10, 12-15, 17-18 and 20-23 were canceled without prejudice or disclaimer to their later prosecution.

The amendments are fully supported by the original disclosure and, thus, no new matter is added. Entry of the amendments addresses the requirement on page 5 of the Action and reduces the number of issues for appeal. In particular, claims 24-26 were objected to because they allegedly depend from a rejected claim. Amendment of claims 24 and 26 rewrites them in independent form and include all of the limitations of claim 7 as required by the Examiner.

New claims 27-29 are supported by page 7, lines 18-21; page 13, lines 10-12; and page 19, line 9, to page 20, line 8, of the specification. Cf. original claim 10 and added claim 25, the subject matter of which was previously elected and examined.

New claims 30-37 are supported by page 5, lines 6-10; and page 20, line 13, to page 21, line 15, of the specification. Cf. original claims 11-13. The vector or virus may be used to introduce a desired gene into a mammalian cell (page 4, line 25, and page 12, lines 22-24, of the specification) or raising antibodies (page 12, lines 20-22, of the specification).

The specification was objected to because it allegedly contains an embedded hyperlink and/or other form of browser-executable code. But as stated on page 2 of the Action, it is clear that the present specification does not contain a hyperlink or browser-executable code. Withdrawal of the objection is requested.

Withdrawal of the Section 112 and Section 102 rejections is requested in view of the cancellation of claims 7-8 and 10.

Under the Commissioner's Notice of March 26, 1996 (1184 OG 86) implementing *In re Ochiai*, 37 USPQ2d 1127 (1995) and *In re Brouwer*, 37 USPQ2d 1663 (1996), Applicants request rejoinder of claims 30-37 because product claims 24 and 26 were indicated as allowable. The restriction requirement was traversed on May 24, 2004 (see page 3 of the Response). Entry of new claims 30-37 is requested to replace the subject

matter of canceled claims 12-13 and 20-21. Therefore, Applicants submit that claims 30-37 should be rejoined with the allowed claims, and then allowed.

Having fully responded to all of the pending objections and rejections contained in the pending Action, Applicants submit that the claims are in condition for allowance and earnestly solicit an early Notice to that effect. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Gary R. Tanigawa
Reg. No. 43,180

901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100